

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

VINCENT LEE BAKER,

Petitioner,

v.

LORIE DAVIS, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

2:14-CV-182

**ORDER OVERRULING OBJECTIONS,**  
**ADOPTING REPORT AND RECOMMENDATION**  
**and DENYING PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner filed an application for a writ of habeas corpus challenging a state prison disciplinary decision. On September 3, 2014, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the habeas application be denied because petitioner is not eligible for mandatory supervised release. On September 17, 2014, petitioner filed objections to the Report and Recommendation arguing he was, in fact, eligible for mandatory supervised release because his then-holding offense, a 1987 aggravated robbery, was a mandatory supervision-eligible offense. On October 28, 2014, respondent filed a reply to petitioner's objections.

The undersigned United States District Judge has made an independent examination of the record in this case. Under *Ex parte Ruthart*, 980 S.W.2d 469 (Tex.Crim.App. 1998), petitioner was not eligible for mandatory supervision due to his consecutive 25-year sentence for

the offense of aggravated assault of a correctional officer, a mandatory supervision ineligible offense. *Id.* at 473 (Under Texas law, “an inmate serving consecutive sentences is not eligible for release to mandatory supervision on any but the last of his consecutive sentences.”); *see also Ex parte Cowan*, 171 S.W.3d 890, 894 (Tex.Crim.App. 2005) (reaffirming that court’s holding in *Ruthart*). Consequently, petitioner’s objections are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the application for a writ of habeas corpus filed by petitioner is DENIED.

IT IS SO ORDERED.

ENTERED this 8<sup>th</sup> day of November 2016.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE